

CERTIFICATE OF MAIL UNDER 37 C.F.R. 1.8

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 14, 2007.

Signed:

Laura Lee Mosier

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

DAVID E. SILVERMAN *et al.*

Application No. 10/621,191

Filed: July 15, 2003

For: METHOD FOR TREATING  
FECAL INCONTINENCE

Art Unit: 3735

Examiner: GILBERT, Samuel G.

Confirmation No.: 2339

Date: June 14, 2007

TERMINAL DISCLAIMER

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Petitioner, Scimed Life Systems, Inc., a corporation duly organized under the laws of the State of Minnesota, having its place of business at One Scimed Place, M/S A150, Maple Grove, Minnesota 55311, is the owner of 100 percent interest in and to the above-entitled application as evidenced by an Assignment recorded in the U.S. Patent Office on October 3, 2002, Reel 13350, Frames 0303 to 0304. The evidentiary documents have been reviewed and to the best of Petitioner's knowledge and belief, title is in the Petitioner.

Petitioner hereby disclaims except as provided below the terminal part of the statutory term of any patent granted on the application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent No. 7,056,277 issued June 6, 2006.

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Petitioner hereby agrees that any patent so granted on the present application shall be enforceable only for and during such period that it and the above listed patent are commonly owned. This agreement runs with any patent granted on the above application and is binding on the grantee, its successor or assigns.


In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of the above-listed patents in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned, whose title is supplied below, is empowered to act on behalf of the corporation.

Respectfully submitted,

DORSEY & WHITNEY LLP



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